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II

98TH CONGRESS
2D SESSION

S. 2626

To prohibit the training, supporting, or inducing of terrorism, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 2 (legislative day, APRIL 30), 1984

Mr. THURMOND (for himself and Mr. DENTON) (by request) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit the training, supporting, or inducing of terrorism,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Prohibition
5 Against the Training or Support of Terrorist Organizations
6 Act of 1984".

7 SEC. 2. Title 18 of the United States Code is amended
8 by adding the following new chapter after chapter 113:

9 "CHAPTER 113A—TERRORISM

"Sec.

2331. Military and intelligence assistance to certain foreign governments, factions,
and international terrorist groups.

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1 **"§ 2331. Military and intelligence assistance to certain for-**
2 **eign governments, factions, and international**
3 **terrorist groups**

4 “(a) Except as provided in subsections (h) and (i), it
5 shall be unlawful for any national of the United States, any
6 permanent resident alien of the United States, or any United
7 States business entity to willfully perform or attempt to per-
8 form anywhere in the world any of the following acts:

9 “(1) serve in, or act in concert with, the armed
10 forces or any intelligence agency of any foreign gov-
11 ernment, faction, or international terrorist group which
12 is named in a determination in effect under subsection
13 (d);

14 “(2) provide training in any capacity to the armed
15 forces or any intelligence agency, or their agents, of
16 any foreign government, faction, or international ter-
17 rorist group named in a determination in effect under
18 subsection (d);

19 “(3) provide any logistical, mechanical, mainte-
20 nance, or similar support services to the armed forces
21 or any intelligence agency, or their agents, of any for-
22 eign government, faction, or international terrorist
23 group named in a determination in effect under subsec-
24 tion (d); or

1 “(4) recruit or solicit any person to engage in any
2 activity described in subparagraphs (1) through (3) of
3 this paragraph.

4 “(b) Except as provided in subsections (h) and (i), it
5 shall be unlawful for any person or entity within the bound-
6 aries of the United States, its territories or possessions, to
7 willfully perform or attempt to perform any of the following
8 acts:

9 “(1) provide training in any capacity to the armed
10 forces or any intelligence agency, or their agents, of
11 any foreign government, faction, or international ter-
12 rorist group named in a determination in effect under
13 subsection (d);

14 “(2) provide any logistical, mechanical, mainte-
15 nance, or similar support services to the armed forces
16 or any intelligence agency, or their agents, of any for-
17 eign government, faction, or international terrorist
18 group named in a determination in effect under subsec-
19 tion (d); or

20 “(3) recruit or solicit any person to engage in any
21 activity described in subparagraphs (1) or (2) of this
22 paragraph.

23 “(c) Whoever violates this section shall be fined not
24 more than five times the total compensation received for such

1 violation, or \$100,000, whichever is greater, or imprisoned
2 for not more than ten years, or both, for each such offense.

3 “(d) Whenever the Secretary of State finds that the acts
4 or likely acts of international terrorism of a foreign govern-
5 ment, faction, or international terrorist group are such that
6 the national security, foreign relations, or the physical securi-
7 ty of the person or property of a private entity of the United
8 States warrant a ban on the foreign government’s, faction’s
9 or international terrorist group’s receipt of services or other
10 assistance in support of such acts as described in subsection
11 (a) or (b), he may issue a determination naming such foreign
12 government, faction, or international terrorist group for
13 which such finding has been made. If the Secretary of State
14 finds that the conditions which were the basis for any deter-
15 mination issued under this subsection have changed in such a
16 manner as to warrant revocation of such determination, or
17 that the national security or foreign relations of the United
18 States so warrant, he may revoke such determination in
19 whole or in part. Any determination issued pursuant to this
20 subsection shall cease to have any effect one year from the
21 date of its publication unless renewed at or before that time
22 by the Secretary of State. Any determination, or the renewal
23 or revocation thereof, issued pursuant to this subsection shall
24 be published in the Federal Register and shall become effec-
25 tive immediately on publication. Any revocation or lapsing of

1 a determination shall not affect any action or proceeding
2 based on any conduct committed prior to the effective date of
3 such revocation or lapsing.

4 “(e) For the purpose of this section, any finding of fact
5 made in any determination or renewal issued pursuant to sub-
6 section (d) shall be conclusive. No question concerning the
7 validity of the issuance of such determination or renewal may
8 be raised by a defendant as a defense in or as an objection to
9 any trial or hearing if such determination or renewal was
10 issued and published in the Federal Register in accordance
11 with subsection (d).

12 “(f) An affirmative defense shall exist with respect to
13 any act committed outside of the United States within thirty
14 days after the effective date of any determination affecting
15 such person if the act was performed pursuant to an agree-
16 ment or contract entered into prior to the effective date of the
17 determination.

18 “(g)(1) Whoever has been convicted of a violation of this
19 section, in addition to any other penalty prescribed by this
20 section, shall forfeit to the United States—

21 “(A) any property constituting, or derived from,
22 any proceeds he obtained, directly or indirectly, as a
23 result of such violation; and

1 “(B) any of his property used, or intended to be
2 used, to commit, or to facilitate the commission of,
3 such violation.

4 “(2) The procedures in any criminal forfeiture under this
5 section, and the duties and authority of the courts of the
6 United States and the Attorney General with respect to any
7 criminal forfeiture action under this section or with respect to
8 any property that may be subject to forfeiture under this sec-
9 tion, are to be governed by the provisions of section 1963 of
10 this title.

11 “(h) This section shall not be construed to prohibit the
12 provision of medical services or medical training for humani-
13 tarian purposes, or the recruitment or solicitation thereof.

14 “(i) Nothing in this section shall be construed to create
15 criminal liability for any activities conducted by officials of
16 the United States Government, or their agents, which are
17 properly authorized and conducted in accordance with Feder-
18 al statutes and Executive orders governing such activities.

19 “(j) for the purposes of this section—

20 “(1) the term ‘foreign government’ has the mean-
21 ing given it in section 1116(b)(2) of this title;

22 “(2) the term ‘armed forces’ includes any regular,
23 irregular, paramilitary, guerrilla, or police force;

24 “(3) the term ‘faction’ includes any political party,
25 body of insurgents, or other group which seeks to over-

1 throw the government of, become the government of,
2 or otherwise assert control over or influence any for-
3 eign country or territory, possession, department, dis-
4 trict, province, or other political subdivision of any
5 such foreign country through the threat or use of force
6 of arms:

7 “(4) the term ‘group’ means an association of
8 persons, whether or not a legal entity;

9 “(5) the term ‘international terrorist group’ means
10 a group which engages in international terrorism;

11 “(6) the term ‘international terrorism’ has the
12 meaning given to it in section 101(c) of the Foreign
13 Intelligence Surveillance Act of 1978 (50 U.S.C.
14 1801(c));

15 “(7) the term ‘intelligence agency’ means any
16 entity which engages in the collection, analysis, or dis-
17 semination of information concerning the activities, ca-
18 pabilities, plan or intention of governments, organiza-
19 tion, or persons, in whole or in part by covert means;

20 “(8) the term ‘United States business entity’
21 means any sole proprietorship, partnership, company,
22 association, or corporation organized under the laws of,
23 or having its principal place of business within the
24 United States, any State, the District of Columbia, or
25 any territory or possession of the United States;

1 “(9) the term ‘national of the United States’ has
2 the meaning given to it in section 101(a)(22) of the Im-
3 migration and Nationality Act (8 U.S.C. 1101(a)(22));

4 “(10) the term ‘permanent resident alien of the
5 United States’ means an alien lawfully admitted for
6 permanent residence in the United States as defined in
7 section 101(a)(20) of the Immigration and Nationality
8 Act (8 U.S.C. 1101(a)(20)); and

9 “(11) the term ‘private entity of the United
10 States’ means

11 “(A) an individual who is—

12 “(i) a national of the United States; or

13 “(ii) a permanent resident alien of the
14 United States;

15 “(B) an employee or contractor of the United
16 States Government, regardless of nationality, who
17 is the victim or intended victim of an act of ter-
18 rorism by virtue of that employment;

19 “(C) a sole proprietorship, partnership, com-
20 pany, or association composed in whole or in part
21 of nationals or permanent resident aliens of the
22 United States; or

23 “(D) a corporation organized under the laws
24 of the United States, any State, the District of
25 Columbia, or any territory or possession of the

1 United States, and any foreign subsidiary of such
2 corporation.”.

3 SEC. 3. The chapter analysis of part I of title 18 is
4 amended by adding the following new item after the item
5 relating to chapter 113:

“113A. Terrorism 2331”.

6 SEC. 4. Section 3238 of title 18, United States Code, is
7 amended by—

8 (1) striking out “The” and inserting in lieu there-
9 of “(a) Except as provided in subsection (b), the”; and

10 (2) adding at the end the following new sub-
11 section:

12 “(b) The trial of any offense under section 2331 of this
13 title which is committed out of the jurisdiction of any particu-
14 lar State or district may be in any district. Nothing contained
15 in this subsection may be construed to restrict any right of a
16 defendant under any rule in effect under section 3771 of this
17 title.”.

18 SEC. 5. Section 11 of title 18 is amended by striking out
19 the phrase “as used in this title except in sections 112, 878,
20 970, 1116, and 1201,” and inserting in lieu thereof: “as used
21 in this title except in sections 112, 878, 970, 1116, 1201,
22 and 2331,”.

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